

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CASE NO. 05-11283-NG

TERESA A. MCCOY)
)
Plaintiff,)
)
v.)
)
PRUDENTIAL INSURANCE COMPANY)
OF AMERICA)
)
Defendant.)

JOINT STATEMENT REGARDING PRETRIAL MATTERS

Pursuant to Local Rule 16.1, the Plaintiff Teresa A. McCoy, and the Defendant, Prudential Insurance Company of America (“Prudential”) hereby file this Joint Statement Regarding Pretrial Matters.

1. **Proposed Discovery Plan and Schedule for Motions**

The parties propose the schedule set forth below for consideration by the Court.

The parties do not wish to conduct phased discovery.

- a. Motions to join additional parties and to amend the pleadings must be filed by April 21, 2006.
- b. If after reviewing the record Plaintiff determines that discovery is necessary, she will file a Motion to Seek Discovery by May 26, 2006. Opposition to the Motion will be due within 24 days thereafter.

- c. If the Plaintiff claims that any of the claim record is incomplete or inaccurate or contains records that do not belong in the claim record in any way, she must notify the Defendant's counsel in writing of the same by June 23, 2006. If the Plaintiff does not provide such notice by June 23, 2006, then the Defendant shall file with the Court each of the documents served on Plaintiff entitled as "Agreed to Record for Judicial Review." If the Plaintiff does provide such notice, then the parties must then confer in an attempt to ascertain an Agreed To Record for Judicial Review by June 30, 2006. If the parties come to an agreement, they are to immediately file an "Agreed To Record For Judicial Review." If the parties cannot agree on the record for judicial review, then the Defendant shall file with the Court by July 14, 2006 a document entitled "Defendant's Submitted Record for Judicial Review" which contains the claim record according to Defendant. To the extent the parties disagree concerning the proper contents of the record for judicial review, the Plaintiff shall file a memorandum concerning any additional material she seeks to have added or deleted from the record for judicial review by July 7, 2006. If defendant opposes any such motion, defendant shall file any opposition within 14 days thereafter.
- d. To the extent that plaintiff contends that the standard on review shall be de novo, plaintiff shall file a motion and memorandum in support no later than June 23, 2006, and if contested, Prudential shall file its opposition within 14 days.
- e. The parties agree that Rule 26 disclosures are not necessary in this type of matter.
- f. Summary Judgment Motions, if any, with accompanying memoranda must be filed by the later of: 1) August 4, 2006, or 2) thirty days after the Court

determines what constitutes the record for judicial review, if supplemented or deleted, or 3) thirty days after there has been compliance with discovery, or any orders compelling discovery. Oppositions shall be filed 14 days after the filing of summary judgment motions.

- g. If one or more parties are added, as expected, then this scheduling order shall be appropriately amended.

THE PLAINTIFF,
TERESA MCCOY,
By her Attorneys,

/s/ Jonathan M. Feigenbaum
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THE DEFENDANT,
THE PRUDENTIAL INS. CO. OF
AMERICA,
By its Attorneys,

/s/ Carey L. Bertrand
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Certificate of Service

I, Carey Bertrand, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the NEF on April 3, 2006.

/s/ Carey Bertrand